

A G E N D A

**THE SEVENTH MEETING OF THE COMMITTEE OF ADJUSTMENT
OF THE CITY OF ST. THOMAS 2023**

VIA ZOOM

10:00 A.M.

**THURSDAY
JULY 13, 2023**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on June 22nd, 2023.

HEARING OF APPLICATIONS

B03-23 - Canadian Commercial (T2) Inc. – 1029 Talbot Street **Pages 2-16**

Planning Report - B03-23 **Pages 16-17**

NEW BUSINESS

Next Meeting

To be determined.

ADJOURNMENT

**CONFIRMATION OF A COMPLETE APPLICATION
APPLICATION FOR CONSENT**

June 20, 2023

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on June 19, 2023 with staff and the applicant.

An application for Consent, regarding 1029 Talbot Street, was filed on June 20, 2023.

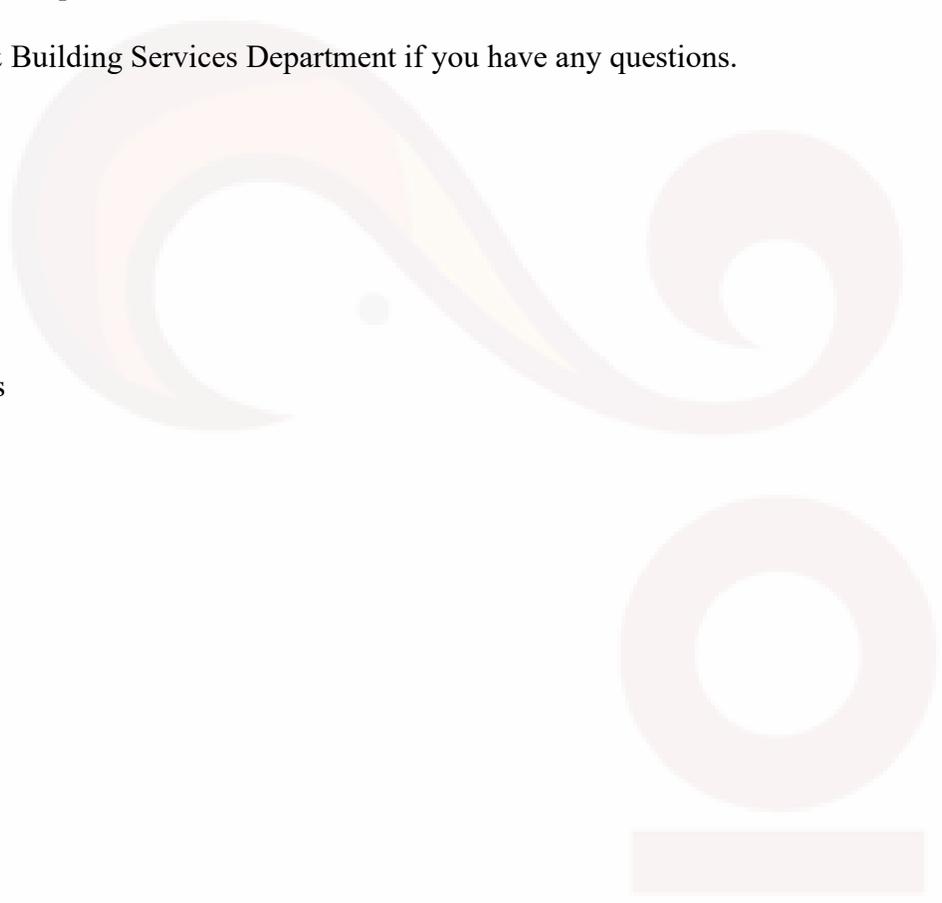
This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

Please contact the Planning & Building Services Department if you have any questions.

Yours truly,



Jim McCoomb, MCIP, RPP
Manager of Planning Services





THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: _____	Consultation Date: _____
	Date Application Deemed Complete: _____	

Application #: _____

APPLICATION IS HEREBY MADE TO:

City of St. Thomas
 545 Talbot Street
 St. Thomas ON N5P 3V7
 Tel: (519) 631-1680 ext 4125 Fax: (519) 633-9019
 Email: jhindley@stthomas.ca

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$450 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

Personal information contained on this form is collected under the authority of the Planning Act, R.S.O. 1990, as amended, and Ontario Regulation 200/96 and will be used for the purpose of processing this application.

1. (a) Registered Owner(s): _____

Mailing Address: _____

Postal Code: _____ Telephone: _____ Fax: _____

email: _____

(b) Owner's Solicitor or Authorized Agent (if any): _____

Mailing Address: _____

Postal Code: _____ Telephone: _____ Fax: _____

email: _____

(c) Please specify to whom all communications should be sent:

Owner	Solicitor	Agent
-------	-----------	-------

2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)

Creation of New Lot	Disposal of Surplus Farm Dwelling
---------------------	-----------------------------------

Addition to Lot	Correction of Title
-----------------	---------------------

Mortgage or Charge	Partial Discharge of Mortgage
--------------------	-------------------------------

Lease	Right-of-way
-------	--------------

Easement _____

(b) If a lot addition, identify the lands to which the parcel will be added:

Name of person(s), if known, to whom land or interest in land is intended to be transferred, charged or leased:

3. Are there any existing easements or restrictive covenants affecting the land?

Yes No

If "Yes" describe the easement or covenant and its effect: _____

4. Location of land:

Municipality (City/Town/Township) _____

Concession No _____ Lot(s) _____ Registered Plan No _____ Lot(s) _____

Reference Plan No _____ Part(s) _____

Name of Street _____ Street No _____

5. Description of land to be severed: **(in metric units)** Part No. on sketch _____

(a) Frontage _____ Depth _____ Area _____

(b) Existing Use _____ Proposed Use _____

(c) Existing and proposed buildings and structures on the subject land:

Existing: _____

Proposed: _____

6. Description of land to be retained: **(in metric units)** Part No. on sketch _____

(a) Frontage _____ Depth _____ Area _____

(b) Existing Use _____ Proposed Use _____

(c) Existing and proposed buildings and structures on the land to be retained:

Existing: _____

Proposed: _____

7. (a) Type of access to severed land:

- | | |
|--------------------------------------|-------------------|
| Provincial Highway | Regional Road |
| Municipal Road maintained all year | Other Public Road |
| Municipal Road maintained seasonally | Right-of-Way |
| Water Access | Private Road |

(b) Type of access to retained land:

- | | |
|--------------------------------------|-------------------|
| Provincial Highway | Regional Road |
| Municipal Road maintained all year | Other Public Road |
| Municipal Road maintained seasonally | Right-of-Way |
| Water Access | Private Road |

8. What type of water supply is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated piped water system	_____	_____
Other (specify)	_____	_____

9. What type of sewage disposal is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated sanitary sewage system	_____	_____
Other (specify)	_____	_____

10. What is the current designation of the subject land in any applicable official plan?

- (a) Local Municipal Official Plan _____
- (b) Regional Policy Plan _____

11. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of The Planning Act or a consent under Section 53 of The Act?

Yes No

(b) If the answer to (a) is "Yes", please provide the following information:

File Number: _____

Status: _____

12. (a) Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes No

(b) If the answer to (a) is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name _____

Land Use on severed parcel _____

Date parcel transferred _____

Consent file number (if known) B _____

13. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; a consent application; an application for an amendment to an official plan amendment; a zoning by-law or a Minister's zoning order, or a minor variance?

Yes No

(b) If the answer of (a) is "Yes", please provide the following information:

File Number: _____

Status: _____

14. (a) Is the proposed consent application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act?

Yes No

(b) Are the subject lands within an area of land designated under a Provincial Plan or Plans? Yes No

- (c) If the answer to (b) is “yes” does the proposed consent application conform to or does it not conflict with the Provincial Plan or Plans?

Yes

No

15. As provided for in Ontario Regulation 197/96, and as required by this Committee of Adjustment, an application must be accompanied by a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor, showing the information set out below. In the case of multiple applications, one drawing plus one extra copy for each additional application will suffice.
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
 - (b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
 - (c) the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
 - (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
 - (e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
 - (f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
 - (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
 - (h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
 - (i) the location and nature of any easement affecting the subject land.
16. One copy of this application form is to be filed for each subject parcel, together with the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the City of St. Thomas.

APPLICANT DECLARATION

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (**Appendix A**). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of St. Thomas to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I Mathew Campbell, the Owner or Authorized Agent, hereby agree
(Print name of Owner or Authorized Agent)
and acknowledge that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Collection of Personal Information:

Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9, (519) 631-1680.

AFFIDAVIT OR SWORN DECLARATION

I, Mathew Campbell of St. Thomas in the province of Ontario,
name of applicant City

make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of London on this 14th day of June, 2023.
City Day Month Year



Signature of Owner or Authorized Agent

June 14 2023

Date



Signature of Commissioner of Oaths, etc.
DAVID JOHN HANNAM, a Commissioner, etc.,
Province of Ontario, for **Zelinka Priamo Ltd.**
Expires September 21, 2024.

June 14, 2023

Date

APPENDIX A – AUTHORIZATION OF OWNER

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

I, LEE GREENWOOD, am the owner of the subject lands, and I authorize Zelinka Priamo Ltd., to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

JUNE 14, 2023
Date

[Signature]
Signature of Owner

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by the City.

***Please note, Appendix B must be completed by the owner, not the authorized agent.**

I, LEE GREENWOOD, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

JUNE 14, 2023
Date

[Signature]
Signature of Owner

9
PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

Under the provisions of Sections 50 and 53 of The Planning Act, as amended, the approval of the Committee of Adjustment is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called a "consent". Consent is also required for leases, rights-of-way or easements if such extend beyond a period of 21 years and to mortgage or discharge a mortgage over part of a parcel of land.

As provided for by The Planning Act and Regulation 197/96 under The Act, every application for consent must be brought to the attention of certain authorities and to property owners within 60 metres of the subject land, either by personal service or by advertising in a newspaper which has general circulation in the area. In addition, other agencies will be consulted if the location of the subject lands falls within their respective field of responsibility.

It is this Committee's policy to conduct a public hearing on each application for consent. Notice of this hearing is circulated to the applicant/agent/solicitor and all other persons or agencies as required at least 10 days prior to the date of hearing.

Prior to the hearing, members of the Committee may examine the lands which are the subject of the application.

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee or attends the hearing will be sent a copy of the decision.

Anyone objecting to the decision of the Committee or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Local Planning Appeal Tribunal within 20 days after the giving of the notice of decision. The notice of appeal, together with written reasons supporting the appeal and the fee by cheque or money order payable to the Minister of Finance must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The Fees and Charges, found on the Local Planning Appeal Tribunal's website, outlines the costs associated with filing an LPAT appeal. All parties to the appeal will receive any further notice concerning the appeal directly from the Local Planning Appeal Tribunal.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled. According to the Act, if the consent granted by the Committee is conditional, the conditions must be fulfilled within two years of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

Preliminary Discussion and Pre-consultation

In accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. The City and any affected agency may require additional background reports in support of the application in order for the application to be considered complete. The purpose of pre-consultation is to ensure that the applicant is aware of the required supporting information before an application is submitted in order to prevent delays in processing the application.

POLICIES

The requirements to complete one application are:

One fully completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.

A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).

A preliminary drawing which has been prepared, dated and signed by an Ontario Land Surveyor, showing all information referred to in item 14 of the application form.

Payment of \$450. Cheques are to be made payable to the "City of St. Thomas" There is an additional fee of \$200 for deed stamping if the consent is approved and all conditions are met.

Someone must be present at the hearing to represent the application.

Decisions of the Committee are made in public.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other authorities such as the following:

That payment of 5% of the value of the subject parcel be made to the local municipality for parks purposes or dedication of 5% of the subject land to the municipality for parks purposes.

That an agreement with the local municipality be entered into for installation of such municipal services as may be required, at the expense of the applicant and to standards acceptable to the municipality.

That land be deeded gratuitously to the local or Regional municipality for road widening purposes.



June 19, 2023

sent via email

Mr. Jon Hindley, Corporate Administrative & Accessibility Clerk
City of St. Thomas
545 Talbot Street
St. Thomas, ON
N5P 3V7
jhindley@stthomas.ca

**RE: Application for Consent to Sever and Easement
Canadian Commercial (T2) Inc.
1029 Talbot Street, St. Thomas, ON.**

Our File: CCI/STH/22-01

Zelinka Priamo Ltd., on behalf of Canadian Commercial Inc. and Canadian Commercial (T2) Inc., is pleased to submit an application for consent relating to the above-noted property (the “subject lands”) known municipally as 1029 Talbot Street. The purpose of this application is twofold; to sever approximately 0.429 ha and retain 0.643 ha; and establish a reciprocal access easement over Part 5 in favour of lands to be severed, and a New Proposed Part – Part 7 – in favour of lands to be retained, as on the attach severance sketch. A servicing easement will also be required through the lands to be severed to service the lands to be retained. The purpose and intent of the proposed severance is for financing purposes; the entire subject lands will continue to be owned under the umbrella ownership of Canadian Commercial Inc., but in a different subsidiary corporation than “Canadian Commercial (T2) Inc.”.

SUBJECT LANDS

The subject lands have an area of 0.49ha with a lot frontage along First Avenue of approximately 50m. The subject lands are generally located northeast of the north-eastern corner of Talbot Street and First Avenue, abutting to the north of a recently developed commercial plaza, also by Canadian Commercial. Lands to the north are vacant but are planned for future mixed-use development. The subject lands are bound to the west by First Avenue and to the east a private access road.

The subject lands were formerly a component of the original parcel that comprised the Timken lands, and were formerly occupied by a portion of the Timken manufacturing plant, which has since been removed. The subject lands are zoned “*Mixed-Use Development Zone (MU)*” under the St. Thomas Zoning By-law.

The subject lands have recently received Site Plan Approval for a 14-storey apartment building, to be constructed on the lands to be retained. An additional apartment building is proposed for the lands to be served, for which it is expected that Planning Act applications will be brought forward shortly.

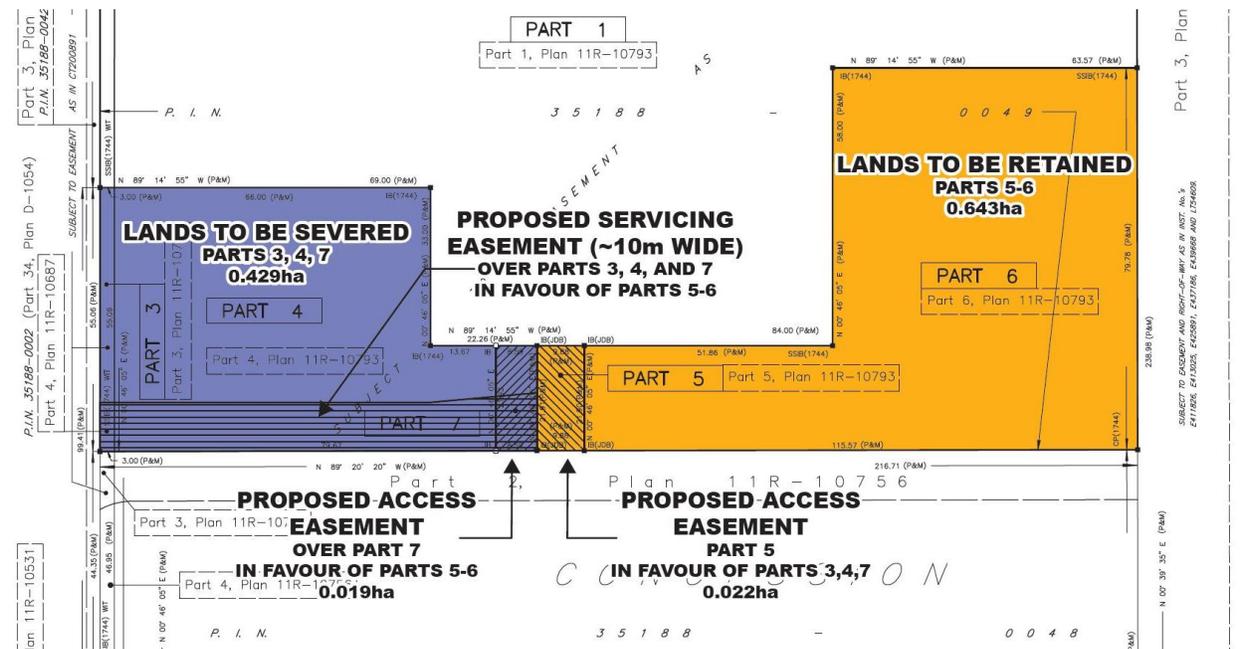
PROPOSED CONSENT TO SEVER AND EASEMENT

The Owner is proposing to sever the subject lands for financing reasons, to support future development. Currently there is no proposed development for the subject lands, but the Owners will be proceeding with development in the future, with plans still being prepared.

In essence, it is favourable to have two separate parcels for financing purposes to execute the development and construction of the subject lands. Notably, the entire subject lands are to remain under umbrella ownership of Canadian Commercial Inc., but in a different subsidiary corporation than “Canadian Commercial (T2) Inc.”, allowing more flexible and favourable financing arrangements.

Therefore, the subject lands are proposed to be severed as shown in Figure 1 below:

Figure 1 – Proposed severance sketch on draft reference plan



Lands to be severed consist of Parts 3 and 4 on existing R-Plan 11R-10793, and a new “Part 7”, resulting in a new lot area of 0.429ha.

Lands to be retained consist of Parts 5 and 6 existing R-Plan 11R-10793, resulting in a lot area of 0.643ha.

Reciprocal access easements are proposed over Parts 5 and 7: Part 5 will be in favour of the lands to be severed (Parts 3, 4, and 7); and Part 7 will be in favour of the lands to be retained (Parts 5 and 6).

A servicing easement for water, sanitary, and stormwater, will be required over the lands to be severed, in favour of the lands to be retained. A specific part number is not identified on the above noted sketch, but the area, being a 10m wide corridor, is shown in horizontal lines.

It is noted that Section 20.4.5 of the Zoning By-Law permits the above proposed severance without requiring a variance for lot area or lot frontage, as the zoning regulations of Section 20, which include lot frontage and lot area, are applied to the lands as a whole, and not any resultant lots pursuant to an approval under Section 53 of the Planning Act.

It is further noted that this application is being submitted *prior* to an upcoming consultation meeting with City staff to discuss the application. The intent of the timing of this submission is to ensure that the application is heard at the July 13 Committee of Adjustment hearing. We appreciate staff's response to the unique timing requirements of our client.

As per the required submission materials, please find attached the following electronic documents:

- Completed Application for Consent, signed and commissioned; and
- Severance Sketch.

In addition to the above, the required application fee will be submitted to the City separately.

We trust that the enclosed information is complete and satisfactory and we look forward to a timely approval process. Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

ZELINKA PRIAMO LTD.



Mathew Campbell, BA, CPT
Partner

cc. Canadian Commercial (T2) Inc.

PARTS SCHEDULE				
PART	LOT	CON/PLAN	P.I.N.	AREA
1				2.744 ha.
2				0.037 ha.
3				0.017 ha.
4	PART OF LOT 6	CONCESSION 9	ALL OF 35188-0049	0.393 ha.
5				0.022 ha.
6				0.621 ha.
7				0.019 ha.

PARTS 1 to 7, (INCLUSIVE) - SUBJECT TO EASEMENT AS IN CT178411
 PARTS 2 AND 3 - SUBJECT TO EASEMENT AS IN CT200891

PLAN OF SURVEY
 OF
PART OF LOT 6, CONCESSION 9
 GEOGRAPHIC TOWNSHIP OF YARMOUTH
 NOW IN THE
CITY OF ST. THOMAS
 COUNTY OF ELGIN, ONTARIO
 VERHAEGEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LTD.

SCALE = 1:500

THE INTENDED PLOT SIZE OF THIS PLAN IS 915mm IN WIDTH BY 762mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:500

"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

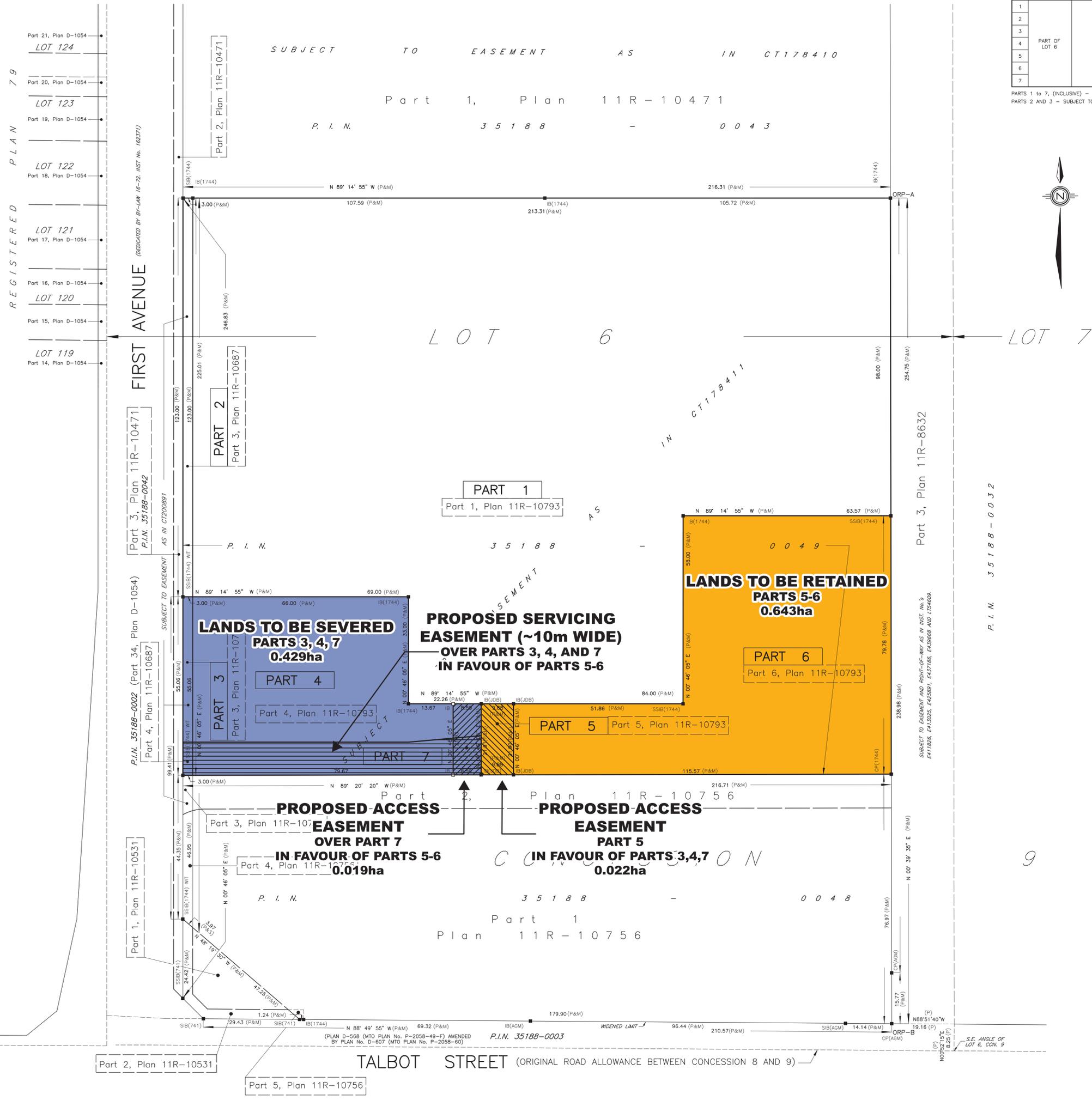
INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17 NAD83 (CSRS) (2010.0).			
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.			
POINT ID	NORTHING	EASTING	
ORP-A	4736527.99	485896.60	
ORP-B	4736273.44	485893.63	
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			

LEGEND AND NOTES
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).
 DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99957061
 ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (IB) UNLESS OTHERWISE NOTED.
 SB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
 SSB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
 IB* DENOTES 16mm X 16mm X 0.61m IRON BAR
 CP* DENOTES 19mm diameter X 0.61m ROUND IRON BAR
 CC DENOTES CUT-CROSS
 CP DENOTES 5mm X 50mm STEEL PIN
 PB DENOTES PLASTIC BAR
 ■ DENOTES SURVEY MONUMENT FOUND
 □ DENOTES SURVEY MONUMENT SET AND MARKED 1744
 WIT. DENOTES WITNESS I DENOTES PERPENDICULAR
 (S) DENOTES SET (M) DENOTES MEASURED (D) DENOTES INST. No.
 ORP DENOTES OBSERVED REFERENCE POINT
 ALL SET SSB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11(4) OF O.REG. 525/91.
 (S/P) DENOTES SET PROPORTIONALLY (N) DENOTES NOT IDENTIFIABLE
 (P) DENOTES PLAN 11R-10793
 (1744) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.
 (AGM) DENOTES ARCHIBALD, GRAY & MCKAY, O.L.S.
 (741) DENOTES DONALD I. HOUGHTON, O.L.S.
 (JOB) DENOTES J.D. BARNES LIMITED, O.L.S.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THIS SURVEY WAS COMPLETED ON THE 25th. DAY OF OCTOBER, 2021.

DRAWN BY: CMM
 CHECKED BY: OLS
 REFERENCE NO.: 21-48-092-03
 FILE: ELGIN-ST. THOMAS-YARMOUTH-9-6
 CAD Date: June 13, 2023 1:51 PM

VERHAEGEN
 LAND SURVEYORS
 A DIVISION OF J.D. BARNES LTD.
 941 OTTAWA STREET, WINDSOR, ON, N9X 2E1
 T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com



REGISTERED PLAN 79

FIRST AVENUE

LOT 7

LOT 6

LOT 9

LOT 8

TALBOT STREET (ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSION 8 AND 9)

Part 2, Plan 11R-10531

Part 5, Plan 11R-10756

P.I.N. 35188-0003

(PLAN D-568 (MTO PLAN No. P-2058-49-F) AMENDED BY PLAN No. D-607 (MTO PLAN No. P-2058-60)

PARTS SCHEDULE				
PART	LOT	CON/PLAN	P.I.N.	AREA
1				2.744 ha.
2				0.037 ha.
3	PART OF LOT 6	CONCESSION 9	ALL OF 35188-0049	0.017 ha.
4				0.412 ha.
5				0.022 ha.
6				0.621 ha.

PLAN 11R-10793
 Received and deposited
November 5th, 2021
Yvonne Willan
 Representative for the
 Land Registrar for the
 Land Titles Division of
 Elgin (No.11)

PARTS 1 to 6, (INCLUSIVE) - SUBJECT TO EASEMENT AS IN CT178411
 PARTS 2 AND 3 - SUBJECT TO EASEMENT AS IN CT200891

PLAN OF SURVEY
 OF
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 □ DENOTES SURVEY MONUMENT SET AND MARKED 1744
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 (S) DENOTES SET (M) DENOTES MEASURED (D) DENOTES INST. No.
 ORP DENOTES OBSERVED REFERENCE POINT
 ALL SET SSB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11(4) OF O.REG. 525/91.
 (S/P) DENOTES SET PROPORTIONALLY (N) DENOTES NOT IDENTIFIABLE
 (P) DENOTES PLAN 11R-10756 (P-1) DENOTES PLAN 11R-10687
 (1744) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZARE INC., O.L.S.
 (AGM) DENOTES ARCHIBALD, GRAY & MCKAY, O.L.S.
 (741) DENOTES DONALD I. HOUGHTON, O.L.S.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THIS SURVEY WAS COMPLETED ON THE 25th DAY OF OCTOBER, 2021.

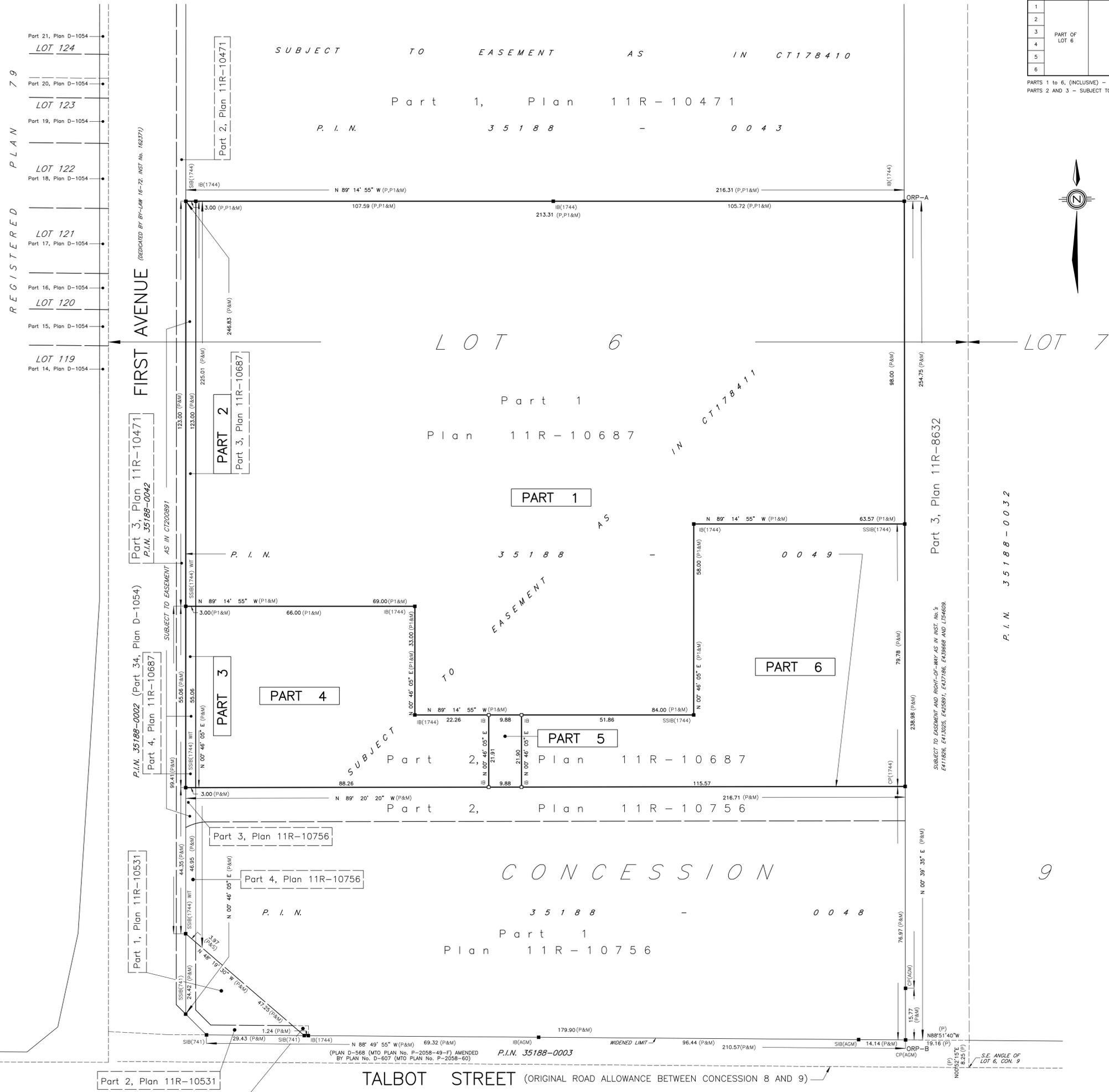
DATE **NOVEMBER 4, 2021.**

 BRIAN COAD
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2156720

VERHAEGEN SURVEYING
 LAND SURVEYORS MAPPING GIS
 A Division of
J. D. Barnes Limited
 187 TALBOT ST E, LEAMINGTON, ON, N8H 1L6
 T: (519) 322-2375 F: (519) 322-2675 www.jdbarnes.com

DRAWN BY: CMM CHECKED BY: BC
 CAD Date: August 26th, 2021
 CAD File: 21-48-092-01 REFERENCE NO.: 21-48-092-01
 FILE NO.: ELGIN-ST. THOMAS-YARMOUTH-9-6



REGISTERED PLAN 79

- Part 21, Plan D-1054 → LOT 124
- Part 20, Plan D-1054 → LOT 123
- Part 19, Plan D-1054 → LOT 122
- Part 18, Plan D-1054 → LOT 121
- Part 17, Plan D-1054 → LOT 120
- Part 16, Plan D-1054 → LOT 119
- Part 15, Plan D-1054 → LOT 118
- Part 14, Plan D-1054 → LOT 117

(RECORDED BY BY-LAW 16-72, INST. No. 162371)

AS IN CT200891

AS IN INST. No. 5

(PLAN D-568 (MTO PLAN No. P-2058-49-F) AMENDED BY PLAN No. D-607 (MTO PLAN No. P-2058-60))

P.I.N. 35188-0003

WIDENED LIMIT

S.E. ANGLE OF LOT 6, CON. 9

Directed to: Members of the Committee of Adjustment

Meeting Date: 07/13/2023

Department: Planning & Building Services Department

Prepared by: Steve Craig, Senior Planning Technician

Attachment: Location Plan

Location: 1029 Talbot Street

Applicant: Canadian Commercial (T2) Inc.

Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended

Recommendation:

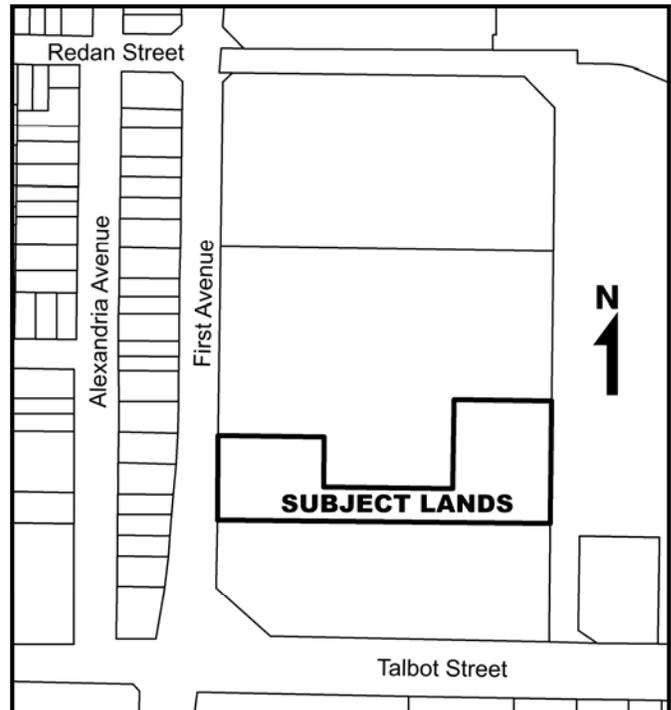
That: Report B03/23 relating to an application for a consent at 1029 Talbot Street be received for information.

Background:

Consent application B03/23 has been filed for the purpose of creating one lot for future residential purposes and three easements on the subject lands for the purpose of mutual access and site servicing, which are identified on the site plan accompanying the application.

PROPOSAL:

The applicant is proposing to sever one vacant lot with frontage of 55.06m on First Avenue and an area of 0.429 hectares, proposed to be developed with a future apartment building. The applicant is proposing to retain one vacant lot with an area of 0.643 hectares, which has been approved for the development of a fourteen-storey apartment building. In addition to the proposed lot severance the applicant is requesting three easements on the subject lands for the purpose of mutual access and site servicing, which are identified on the site plan accompanying the application.



St. Thomas Official Plan:

- The subject lands are in the Mixed Use Development designation, as shown on Schedule “A” (Land Use Plan) to the Official Plan for the City of St. Thomas.
- Permitted uses of the Mixed Use Development designation include medium and high-density residential uses in single use form and/or mixed-use forms that are compatible with, and complementary to, surrounding uses (5.15.3.1(iii)).
- Schedule B (Roads Plan) to the Official Plan of the City of St. Thomas classifies First Avenue as a Major Arterial.
- Schedule C (Roads Widening Plan) to the Official Plan of the City of St. Thomas identifies First Avenue with a proposed minimum road allowance width of 26m.

St. Thomas Zoning By-law 50-88:

- The subject lands are in the Mixed Use Development Zone (h2, h3 MU), as shown on Zoning Map 11 to the City of St. Thomas Zoning By-Law 50-88, as amended.
- Permitted residential uses of the MU zone include apartment dwellings (20.1(ii)(a)).
- Minimum Lot Area 1.2 hectares (20.4.2).
- Minimum Lot frontage 50m (20.4.3).
- The MU zone may consist of lots that are owned by one or more persons. Where the development of the land is approved under Section 41 of the Planning Act and, pursuant to a consent subsequently given under section 53 of the Planning Act or pursuant to an approval or exemption subsequently given under section 50 of the Condominium Act, any part of the land is conveyed or otherwise dealt with, the provisions of Section 20 and any other regulations of By-law 50-88 are hereby deemed to apply to the land as a whole and to any building or structure thereon in the same manner and to the same extent as if the consent, approval or exemption was not given, so long as the land and any building or structure thereon are used and continue to be used for the purpose for which the development was approved (20.4.5).

Comments:

- Cash-in-lieu of parkland and the required First avenue road widening were obtained by the Corporation of the City of St. Thomas through the approval of Consent Application B07/2018.
- In staff's opinion Consent Application B03-2023 conforms with the City of St. Thomas Official Plan, Zoning By-Law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O, as amended. Therefore, approval is supportable. Should the Committee approve Consent Application B03-2023 staff recommends the following conditions:
 1. If required that applicant amends the existing development agreement with the City of St. Thomas, and/or enter into a consent agreement with the City of St. Thomas; and
 2. That the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,



Steve Craig,
Sr. Planning Technician